

### **REMARKS**

Applicant appreciates the thorough examination of the present application as evidenced by the Final Office Action mailed June 9, 2009 (hereinafter "Final Action"). In response, Applicant has amended independent Claims 1, 18, and 31 to clarify that the user interface parameters associated with a normal operation of the device continuously change whenever the user interface parameters in the game change. Applicant respectfully submits that the cited references fail to disclose or suggest, at least, the recitations of the independent claims as amended. Accordingly, Applicant submits that all pending claims are in condition for allowance. Favorable reconsideration of all pending claims is respectfully requested for at least the reasons discussed hereafter.

#### **Independent Claims 1, 18, and 31 are Patentable**

Independent Claims 1, 18, and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U. S. Patent Publication No. 2004/0216054 to Mathews et al. (hereinafter "Mathews") in view of U. S. Patent Publication No. 2004/0157654 to Kataoka et al. (hereinafter "Kataoka"). (Final Action, page 2).

In response to Applicant's arguments filed March 11, 2009, the Final Action states that the claim language does not clearly recite that the user interface parameters are changed while the game is in progress. In addition, the Final Action states that it is not clear what user interface is intended in the claims. (Final Action, pages 2 and 3). To advance prosecution Applicant has amended independent Claims 1, 18, and 31 as indicated above to clarify that the user interface parameters are continuously changed so as to make clear that the user interface parameters change while the game is in progress and that the user interface parameters that change are associated with a normal operation of the device. Thus, independent Claim 1 is directed to a device and has been amended to clarify that user interface parameters associated with a normal operation of the device continuously change whenever the user interface parameters in the game change. Independent Claim 1, as amended, recites:

a user interface, a control unit for controlling operations of the device

including changeable parameters of the user interface, and a game platform for running a game, wherein the control unit is configured to continuously change the parameters of the user interface associated with a normal operation of the device whenever the user interface parameters in the game change based on events occurring in the game. (Emphasis added).

Independent Claims 18 and 31, as amended, include similar recitations. The recitations of Claim 1 are directed to embodiments of the present invention where user interface parameters associated with a normal operation of a device, such as a mobile telephone, are continuously changed whenever the user interface parameters in a game change. Thus, a link is provided between the game environment and the device, which may allow the device to take advantage of the game play to create or adapt themes in the user interface of the device outside of playing the game, e.g., during normal operation of the device. In some embodiments, the themes as defined by the user interface associated with a normal operation of the device may be automatically changed as the game evolves or semi-automatically changed when a user chooses to exit the game. The control unit is configured to change the user interface parameters associated with a normal operation of the device continuously so that the user interface parameters associated with the normal operation of the device change whenever the user interface parameters in the game change.

Mathews discloses a portable communication device in which a user may have the ability to have tailored user interfaces or a tailored look and feel through various screens on the device. In addition, a skin and theme on the device may be customized based upon an event as described in paragraph 25 and FIG. 4 of Mathews. But as acknowledged in the Final Action, Mathews fails to disclose or suggest running a game application and continuously changing user interface parameters associated with a normal operation of the device based on events occurring in the game. The Final Action, however, cites Kataoka as providing the teachings missing from Mathews. (Final Action, page 5).

In paragraph 37, Kataoka teaches that a gamer can use game scores of a mini-game to obtain melodies of incoming calls, wallpaper for portable phones, virtual currency that can be used in the game, and items that can be used in a video arcade. In sharp contrast to the recitations of independent Claim 1, however, the changes described in paragraph 37 of

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Kataoka are based on static game scores, not based on events occurring during a game in progress. Thus, Kataoka teaches away from the recitations of independent Claim 1 directed to continuously changing parameters of the user interface associated with a normal operation of the device whenever the user interface parameters in the game change based on events occurring in the game.

For at least the foregoing reasons, Applicant respectfully submits that independent Claims 1, 18, and 31 are patentable over the cited references, and that dependent Claims 2 – 5, 7 – 17, 19 – 22, 24 – 40, 32 – 35, and 37 – 40 are patentable at least by virtue of their depending from an allowable claim.

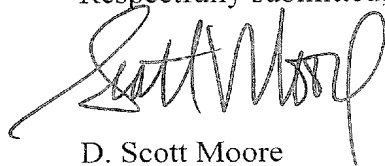
#### **Dependent Claims Are Patentable**

As each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicant does not believe that it is necessary to argue the allowability of each dependent claim individually. Applicant does not necessarily concur with the interpretation of these claims, or with the bases for rejection set forth in the Final Action. Applicant therefore reserves the right to address the patentability of these claims individually as necessary in the future.

#### **CONCLUSION**

In light of the above amendments and remarks, Applicant respectfully submits that the above-entitled application is now in condition for allowance. Favorable reconsideration of this application, as amended, is respectfully requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (919) 854-1400.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Scott Moore", with a long horizontal flourish extending to the left.

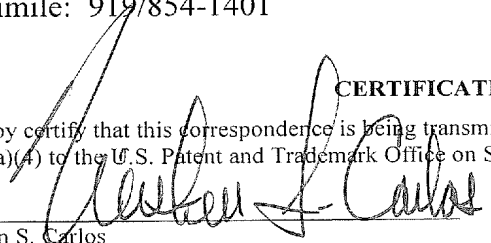
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**CERTIFICATION OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on September 9, 2009.

  
Kirsten S. Carlos